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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)
200.1-US-UIApplication Number
10/765,410 Filed
1/27/2004First Named Inventor
Peter S. Marx et al.Art Unit
2168 Examiner
Debbie M. Le

Applicant requests review of the rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

 applicant/inventor. assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96) attorney or agent of record. 41,232

Registration number _____

(310) 641-8797

Telephone number _____

June 25, 2008

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below. Total of _____ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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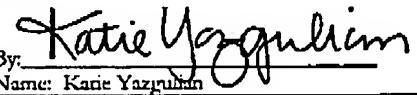
Due Date: June 25, 2008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Peter S. Marx et al.	Examiner:	Debbie M. Le
Serial No.:	10/765,410	Group Art Unit	2168
Filed:	January 27, 2004	Docket	G&C 200.1-US-U1
Title:	ACQUIRING, MANAGING, DISTRIBUTING, AND PRESENTING CONTEXTUAL DATA RELATING TO A KNOWN POSITION FOR LOCATION-BASED SERVICES TO AND BETWEEN USERS		

CERTIFICATE OF MAILING OR TRANSMISSION UNDER 37 CFR 1.8

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By: _____
Name: Katie Yazgulian

PRE-APPEAL BRIEF REMARKS

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Madam:

In response to the Office Action dated March 25, 2008, and in conjunction with the filing of a Notice Of Appeal for the present application, please enter the following remarks.

REMARKSI. Prior Art Rejections

On page (3) of the Office Action, claims 1-15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hose, U.S. Patent No. 7,024,205 (Hose) in view of Jones, U.S. Publication No. 2002/0069312 (Jones) and further in view of Chan, U.S. Publication No. 2003/0126150 (Chan).

Applicants respectfully traverse these rejections.

Applicants respectfully repeat all prior arguments made in previous responses.

Hose does not teach a Contribution Engine as Recited in the Claims

The Office Action continues to state that Hose describes a contribution engine. Hose describes platforms that can access, receive, and index the information in the database in Col. 5, lines 1-9 and 65-67: “[P]latform 112 includes ports for accessing receiving optional subscriber information 114, LFE (location finding equipment) inputs 116, and service information 118....[T]he service information may include a database of service providers indexed to corresponding service locations.”

First it is noted that the contribution engine as recited requires user entry of data in the database. Second, it is noted that “user-supplied location-based information” is an entry in the same database, not an entry in a different database or a comment on an existing database entry. Further, “user-supplied location-based information including at least a user-supplied location” is a database entry made by a user, as opposed to a commercial entry, that includes a location supplied by the user, as opposed to a location supplied by a commercial entity. The cited references do not teach this combination of limitations.

Hose does not teach User Entry in the Database

Nowhere does Hose state that a user has access to enter data into the database via the contribution engine. The claims specifically state, “a contribution engine, coupled to the database, for entering additional user-supplied location-based information in the database, wherein the user directly enters the additional user-supplied location-based information in the database.” The user supplies the information in the present invention; in Hose, the user merely accesses information supplied by others.

Hose describes access, and reception of the database entries, but not users entering data into the database. As such, the assessment of Hose on pages 3-4 of the Office Action, with respect to Hose teaching the contribution engine as claimed, is incorrect.

Jones Does Not Teach User Entry into the Same Database

The Office Action admits that Hose does not teach storing user-supplied information into the database, however, the Office Action then states that Jones teaches that the user can supply information to the database.

Jones, as discussed in previous responses, stores the user-supplied information in a separate database to prevent the master GIS database from being corrupted by user-supplied Geomarks. Thus, Jones does not remedy this deficiency in Hose. Jones allows for user entry, but not into the same database. Thus, the characterization of Jones on pages 4-5 of the Office Action is also incorrect.

Chan Does Not Teach User Entry of a User-Supplied Location in the Same Database

The Office Action admits that Jones and Hose do not teach entry of a user-supplied location in the same database; however, the Office Action states that Chan teaches that the database stores both the user-supplied location-based information and the commercial location-based information.

Chan merely allows users to comment on the merchandise levels, service received, etc., i.e., the accuracy of the commercial entries in the database. In essence, Chan teaches that users are allowed to augment existing database entries, but not to enter new locations or database entries of their own. Nowhere in Chan does it state that a user is allowed to make an entry in the database that includes a user-supplied location. Instead, Chan teaches that users are allowed to comment on the commercially-entered locations.

Combining the References Does Not Teach the Limitations of the Claims

If the three references were combined as described in the Office Action, the resultant system would be as follows: a commercially populated database (Hose) would be accessible to users (Hose, Jones, Chan) where users can supply additional information to a separate database (Jones) and can comment on the accuracy of the commercially populated database (Chan).

This is not the same as a database for storing both the commercial location-based information supplied by a commercial entity and the user-supplied location-based information, including a user-supplied location, supplied by a user other than the commercial entity on at least one location, using the contribution engine, coupled to the database, for entering the user-supplied location-based information in the database, wherein the user directly enters the additional user-supplied location-based information in the database.

Nowhere does any reference cited allow for the user to store a location in the same database as the commercial locations. As such, none of the references can teach or suggest the claims as currently situated.

Although presented herein with respect to the language of claim 1, claims 8 and 15 contain similar if not identical claim language and limitations, and thus are similarly patentable over the cited references.

Thus, Applicants submit that independent claims 1, 8, and 15 are allowable over Hose, Jones, and Chan. Further, dependent claims 2-7 and 9-14 are submitted to be allowable over Hose, Jones, and Chan in the same manner, because they are dependent on independent claims 1, 8, and 15, respectively, and thus contain all the limitations of the independent claims. In addition, dependent claims 2-7 and 9-14 recite additional novel elements not shown by Hose, Jones, and Chan. Applicants reserve the right to raise additional issues as needed throughout the prosecution of the present application; silence with respect to other rejections in the Office Action is not to be taken as acceptance of the rejections. Applicants believe that the above arguments render the remainder of the rejections moot.

II. Conclusion

In view of the above, it is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicants' undersigned attorney.

Respectfully submitted,

GATES & COOPER LLP
Attorneys for Applicant(s)

Howard Hughes Center
6701 Center Drive West, Suite 1050
Los Angeles, California 90045
(310) 641-6707

Date: June 25, 2008

By: 
Name: Anthony J. Orler
Reg. No.: 41,232

AJO/sjm

G&C 200.1-US-U1